

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KIRK MICHAEL FIELDS,	:	
Inmate No. 99001885,	:	PRISONER CIVIL RIGHTS
Plaintiff,	:	42 U.S.C. §1983
	:	
v.	:	
	:	CIVIL ACTION NO.
GWINNETT COUNTY; et al.,	:	1:24-CV-5934-LMM-JKL
Defendants.	:	

ORDER

The matter is before me on Plaintiff’s request to proceed *in forma pauperis* (“IFP”). (Doc. 2). A review of Plaintiff’s financial affidavit reveals that he currently has **INSUFFICIENT** funds in his prisoner account to pay an initial partial filing fee.

I would first note, however, that Plaintiff asks the Court to waive the filing fees since he is homeless and a pauper. (Doc. 2 at 1). Consequently, before I rule on Plaintiff’s IFP request, it would behoove me to ensure that Plaintiff is aware that, should he be granted IFP status, he **will be obligated to pay the full statutory filing fee, paid in incremental payments as funds are deposited into his inmate trust account.** See 28 U.S.C. 1915(b)(2). What’s more, Plaintiff would be required to make those payments **in addition to, and simultaneously with, the payments in his other case before this Court, i.e., *Fields v. Gwinnett Cnty. Police Dep’t*, Civil**

Action No. 1:22-CV-3684-LMM-JKL.¹ (“*Fields I*”). See *Bruce v. Samuels*, 577 U.S. 82, 90 (2016) (finding §1915(b)(2) requires that a plaintiff proceeding IFP must pay monthly payments “simultaneously for each action pursued.”).

If Plaintiff does not wish for funds to be deducted from his inmate account, he is **INSTRUCTED** that he should file a Notice of Voluntary Dismissal **WITHIN THIRTY DAYS** of the date of this Order, clearly stating that he voluntarily dismisses this action. If he does not file any such notice, the Court will presume that he wishes to proceed and will issue an Order instructing his custodian to withdraw incremental payments as funds are deposited in his inmate trust account, in addition to those payments withdrawn in connection with *Fields I*.

SO ORDERED this 31st day of January, 2025.



JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE

¹ In *Fields I*, Plaintiff recently sought to terminate that part of the Court’s Order granting him IFP which required him to incrementally pay the filing fee as funds are deposited in his account because, *inter alia*, the deductions were creating a hardship on him. *Id.* at Doc. 99.